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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,283	11/19/2001	Munenori Iizuka	Q67302	8484

7590 05/26/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

AUGHENBAUGH, WALTER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,283

Applicant(s)

IIZUKA ET AL.

Examiner

Walter B. Aughenbaugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7 and 27-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-7 and 27-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

Acknowledgement of Applicant's Amendments

1. The amendments made in claims 6 and 30 in the Amendment filed on February 15, 2005 have been received and considered by Examiner.

WITHDRAWN OBJECTIONS

2. The objection to claims 6, 7, 30 and 31 that was repeated in paragraph 5 of the previous Office Action mailed November 15, 2004 has been withdrawn due to Applicant's amendments in the Amendment filed on February 15, 2005.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. 112 rejection of claims 6, 7, 30 and 31 that was repeated in paragraph 8 of the previous Office Action mailed November 15, 2004 has been withdrawn due to Applicant's amendments in the Amendment filed on February 15, 2005.

REPEATED REJECTIONS

4. The 35 U.S.C. 103 rejection of claims 3-7 and 27-31 made of record in paragraph 9 of the previous Office Action mailed November 15, 2004 has been repeated for the reasons previously made of record in paragraph 9 of the previous Office Action mailed November 15, 2004.

Response to Arguments

5. Applicant's arguments presented on pages 7-9 of the Amendment filed on February 15, 2005 in regard to the 35 U.S.C. 103 rejection of claims 3-7 and 27-31 have been fully considered but are not persuasive. On page 8 of the Amendment filed on February 15, 2005, Applicant "questions" whether or not the polyolefin polymer of Coran et al. is a low water absorption polymer as claimed, but the polypropylene of Matsuura et al. is a low water absorption polymer

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for the reasons provided in paragraph 9 of the previous Office Action mailed November 15, 2004, and both Matsuura et al. and Coran et al. teach polypropylene, so the polypropylene of Coran et al. is a low water absorption polymer as claimed. Applicant "questions" whether or not the functionalized olefin polymer of Coran et al. is a low water absorption polymer as claimed, but this is irrelevant since the claims do not require that the compatibility enhancing agent be a low water absorption polymer. Applicant argues that the compositions of Matsuura et al. and Coran et al. are "different" and therefore that there is no motivation to combine the references, but the blend of polypropylene and nylon that is compatibilized by maleic acid modified polypropylene of Coran et al. taught at col. 8, lines 8-10 falls within the scope of the blends taught by Matsuura et al. at col. 2, lines 29-37 because a blend of polypropylene and nylon falls within the scope of the teaching of Matsuura et al. at col. 2, lines 29-37 (nylons are polyamides): the blend of Coran et al. falls within the scope of blends taught by Matsuura et al., so one of ordinary skill in the art would have been motivated to consult Coran et al. for a teaching as to how to compatibilize the blend of polypropylene and polyamide taught by Matsuura et al. Applicant argues that "there is no indication or teaching that a compatibilizer was needed for the Matsuura composition", but as evidenced by Coran et al., one of ordinary skill in the art recognizes that blends of certain polymers, such as polypropylene and nylon (col. 8, lines 8-10 of Coran et al.), are compatibilized to improve certain mechanical properties of the blend, namely, the tensile strength and/or elongation and true stress at break (see col. 8, lines 10-14 of Coran et al.). The compositions of Matsuura et al. and Coran et al. are not dissimilar, as Applicant argues, for the reasons provided above in this paragraph. Applicant argues that there is no expectation of success, but since Coran et al. plainly teach that maleic acid modified polypropylene

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compatibilizes polypropylene and nylon (col. 8, lines 8-10), one of ordinary skill in the art would have expected success in adding the maleic acid modified polypropylene of Coran et al. to the blend of polypropylene and nylon taught by Matsuura et al. Contrary to Applicant's argument, there is indeed a teaching in Coran et al. (at col. 8, lines 8-10) that the maleic acid modified polypropylene would act as a compatibilizer in the blend of polypropylene and nylon taught by Matsuura et al. A *prima facie* case of obviousness has been established for the reasons provided above in this Office Action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.

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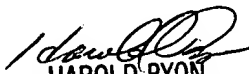
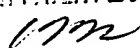
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh

05/23/05

WBA


HAROLD PYON
SUPERVISORY PATENT EXAMINER


5/13/05